
(No. 80 CC 2.—Complaint dismissed.)

In re CIRCUIT JUDGE SAMUEL G. HARROD, III of
the Eleventh Judicial Circuit, Respondent.

*Order entered June 23, 1980.—Motion for modification denied
August 26, 1980.*

SYLLABUS

On June 10, 1980, the Judicial Inquiry Board filed a six-count complaint with the Courts Commission, charging the respondent with willful misconduct in office and conduct that is prejudicial to the administration of justice, that brings the judicial office into disrepute and that demonstrates the respondent's incapacity and mental inability to perform his duties. The complaint alleged that the respondent's conduct violated section 13(b) of article VI of the 1970

Constitution and Supreme Court Rules 61(b), 61(c)(1) through (6), (12), (13) and (18) (Ill. Rev. Stat. 1979, ch. 110A, pars. 61(b) and 61(c)(1)—(6), (12), (13) and (18)). In summary form, Count I alleged that the respondent during 1978 and 1979, by use of the U.S. mails and other means, anonymously caused unauthorized subscriptions to periodicals, reports and other publications, and a resort reservation confirmation, to be mailed and delivered to: a member of the Courts Commission, three members of the Judicial Inquiry Board, and the Board's counsel, all of whom had participated in prior disciplinary proceedings against the respondent (see 1 Ill. Cts. Com. 110). Count I further alleged that the respondent used the U.S. mails to send two anonymous letters, suggesting legal procedures to pursue, to the attorney representing the spouse of the former State's Attorney of Woodford County in a dissolution of marriage action. The former State's Attorney was the prosecutor in the cases which gave rise to the prior disciplinary proceedings against the respondent. Count I also alleged that the respondent's described conduct was in apparent retaliation for such persons' connection with the prior disciplinary proceedings against him.

Count II complained that in 1976 the respondent sent an anonymous letter to a candidate for State's Attorney of Woodford County wherein he charged the candidate with corruption and threatened to cause an investigation. Count III alleged that the respondent engaged in the practice of law while serving as a judge, to wit: investigating and reviewing court files in which his lawyer-father was counsel and transmitting copies of documents in such files to interested parties; and preparing and executing documents and pleadings on behalf of his father in a case. Count IV averred that the respondent used the mails to transmit will forms, newspaper articles, press releases, etc. to persons unknown to him to further his personal ambitions and popularity and that he had printed and mailed at public expense sympathy cards which gave advice on how to probate estates.

Count V alleged that while conveying the impression of a "law and order" judge by issuing press releases, public commentary, etc., the respondent on occasion personally intervened with prosecuting authorities on behalf of defendants in criminal cases, seeking to influence the prosecutor's decision in defendants' favor. Count VI alleged that the respondent displayed a lack of promptness in attending to his judicial duties even though he expected attorneys to be punctual; he chastised, reprimanded, and fined and jailed attorneys who were late for court proceedings without regard for the justification offered by counsel for such tardiness.

The respondent by letter dated June 7, 1980 resigned from judicial office, effective the close of June 12, 1980.

Held: Complaint dismissed.

Shadur, Krupp & Miller, of Chicago, for Judicial Inquiry Board.

Before the COURTS COMMISSION: RYAN, J., chairman, and LORENZ, SEIDENFELD, HUNT and MURRAY, JJ., commissioners. ALL CONCUR.

ORDER

The Illinois Judicial Inquiry Board filed a Complaint with the Illinois Courts Commission charging Samuel G. Harrod, III with certain acts of judicial misconduct. Said Complaint was filed at 10:10 a.m., June 10, 1980. Judge Harrod, in a letter dated June 7, 1980 forwarded to Chief Justice Joseph H. Goldenhersh of the Illinois Supreme Court, tendered his resignation from the office of circuit judge of the Eleventh Judicial Circuit, effective 11:59 p.m., June 12, 1980. In view of the resignation of Judge Harrod, the Illinois Courts Commission finds that the Complaint filed by the Judicial Inquiry Board, and the issues raised thereby, are moot.

It is therefore ordered that the Complaint filed by the Illinois Judicial Inquiry Board against Samuel G. Harrod, III on June 10, 1980, and bearing number 80 CC 2, be, and it is hereby dismissed.

Complaint dismissed.